

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **Case Nos. 3:22-cr-0029**
)
JOEVA ELIZABETH WILLIAMS,)
)
Defendant.)
)

ORDER

BEFORE THE COURT is the Government's unopposed motion to continue jury trial and pretrial filing dates currently set forth in the Court's March 14, 2023 Order. (ECF No. 40.)

This matter is currently set for Jury Selection and Trial on July 10, 2023. The Government is requesting a continuance of the trial date and an extension of pretrial filing dates because its attorney was assigned the case on June 13, 2023, due to staff shortage in the office, and needs time to become familiar with the case and engage in plea negotiations with Defendant, whose attorney is currently participating in another jury trial. After careful consideration and for good cause, the Court will grant Defendant's request to continue the trial date and pretrial filing dates.

While the Speedy Trial Act requires that defendants be tried within seventy days from the public filing of the charging document, the Act specifically excludes:

Any period of delay resulting from a continuance granted by any judge on his own motion or at the request of the defendant or his counsel or at the request of the attorney for the Government, if the judge granted such continuance on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

18 U.S.C. § 3161(h)(7)(A). Consistent with these concerns, the United States Court of Appeals for the Third Circuit has recognized that "whether or not a case is 'unusual' or 'complex,' an 'ends of justice' continuance may in appropriate circumstances be granted," including "to permit preparation of pretrial motions" and "to permit plea negotiations to continue." *United States v. Fields*, 39 F.3d 439, 444-45 (3d Cir. 1994); *see also United States v. Dota*, 33 F.3d

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1179, 1183 (9th Cir. 1994) (“An ends of justice continuance may be justified on grounds that one side needs more time to prepare for trial [even if the] case [i]s not ‘complex.’ ”); *United States v. Lattany*, 982 F.2d 866, 883 (3d Cir. 1992) (“[T]he district court did not abuse its discretion when it delayed the trial to give counsel, and later standby counsel, an opportunity to consult with Lattany for the purpose of deciding upon and preparing an appropriate defense.”).

Here, an extension of time is necessary to afford the Government attorney to become familiar with the case and engage in plea negotiations with Defendant. The Court finds that the ends of justice is served by extending the period in which the trial must begin in this matter outweigh the best interest of the public and the Defendant in a speedy trial.

The premises considered, it is hereby

ORDERED that the Defendant’s unopposed motion to continue the trial date and pretrial filing dates, ECF No. 40, is **GRANTED**; it is further

ORDERED that the time beginning from the date of this order granting an extension through November 6, 2023, shall be excluded in computing the time within which the trial in this matter must be initiated pursuant to 18 U.S.C. § 3161; it is further

ORDERED that the discovery deadline has **EXPIRED**; it is further

ORDERED that the deadline to file any substantive motions is **EXTENDED** to August 7, 2023; it is further

ORDERED that, no later than October 23, 2023, each party **SHALL** file a notice of readiness for trial; it is further

ORDERED that the parties **SHALL** file and serve a pre-trial brief no later than close of business on October 27, 2023, which shall include the following: (a) proposed list of witnesses; (b) proposed list of exhibits; (c) estimated length of case-in-chief and case-in-defense; (d) proposed non-standard *voir dire* questions; and (e) proposed non-standard jury instructions related to the elements of the charges and defenses; it is further

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ORDERED that the parties **SHALL** provide the Clerk of Court with a USB Flash Drive containing electronic versions of exhibits no later than November 1, 2023,¹ and it is further

ORDERED that the Jury Selection and Trial in this matter previously scheduled for July 10, 2023, are **RESCHEDULED** to commence promptly at 9:00 A.M. on November 6, 2023, in St. Thomas Courtroom 1.

Dated: June 16, 2023

/s/ Robert A. Molloy
ROBERT A. MOLLOY
Chief Judge

¹ Counsel are advised to consult with Court technical staff to determine the proper format for saving electronic versions of exhibits. The Government's trial exhibits shall be labelled sequentially beginning with Government's Exhibit 1. Defense exhibits shall be labelled sequentially beginning with Defense Exhibit A.